

**MINUTES**  
**SAN DIEGO COUNTY PLANNING COMMISSION**  
**Regular Meeting – April 10, 2009**  
**DPLU Hearing Room, 9:00 a.m.**

The meeting convened at 9:00 a.m. and adjourned at 9:45 a.m.

**A. ROLL CALL**

**Commissioners Present:** Beck, Brooks, Day, Norby, Pallinger, Riess

**Commissioners Absent:** Woods

**Advisors Present:** Mehnert (OCC)

**Staff Present:** Beddow, Powers, Rosenberg, Rowan, Jones  
(recording secretary)

**B. Statement of Planning Commission's Proceedings**

- C. Public Communication:** Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

**D. Announcement of Handout Materials Related to Today's Agenda Items**

**E. Requests for Continuance**

- F. Formation of Consent Calendar:** Items 2 (TM 5509RPL<sup>3</sup>/S06-030) and 4 (TM 5539)

**G. Director's Report:**

- **Results of Board of Supervisors Hearing(s) on Items Previously Considered by the Planning Commission (Gibson)**

**V54-161W<sup>1</sup>, Agenda Item 1:**

1. **Appeal of the Denial of the Buxton Variance Modification, V54-161W<sup>1</sup>, Sweetwater Community Plan Area** (continued from the meeting of March 13, 2009)

Continuation of the Planning Commission's hearing of an appeal of the September 25, 2008 decision of the Director of Planning and Land Use to deny Variance Modification V54-161W<sup>1</sup>. The applicant is requesting a reduction in the front-yard setback from 50' to 35' to allow the construction and use of an addition to the existing single-family residence. On March 13, 2009, the Planning Commission upheld the appeal and tentatively approved the Variance. The hearing was continued until today to allow the Planning Commission to vote on the revised Form of Decision. The project site is located at 3747 Avenida San Miguel, in the Sweetwater Community Planning Area.

**Staff Presentation:** Beddow for Johnston

**Proponents:** 0; **Opponents:** 0

Staff has returned today with the Form of Decision as directed by the Planning Commission on March 13, 2009.

**Action:** Day - Brooks

Grant the appeal and adopt the Form of Decision approving Variance V54-161W<sup>1</sup>.

Ayes:	6 -	Beck, Brooks, Day, Norby, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Woods

TM 5509RPL<sup>3</sup>, S06-030Agenda Item 2:**2. Paseo Village Townhomes, Tentative Map, TM5509RPL<sup>3</sup> and Site Plan, S06-030, Ramona Community Plan Area**

The proposed project, Paseo Village Townhomes, consists of a Tentative Map (TM5509RPL<sup>3</sup>) and a Site Plan (S06-030) to create a 31-unit condominium project on a 2.28-acre lot. The development will be comprised of nine detached buildings, with three or four units per building. Each condominium unit is proposed to be two-stories with three bedrooms, and each unit will have a minimum of 350 square feet of private open space in the form of fenced yards and second floor balconies. Group open space will consist of a 7,000 square-foot residential park and a 678 square-foot children's play area. The subject property is bounded on the west side by Day Street, on the south by Vermont Street, and on the north by La Brea Street. Access will be provided by two entries to a private driveway connecting to Vermont Street.

**Staff Presentation:** Powers

**Proponents:** 1; **Opponents:** 0

This Item is approved on consent.

**Action:** Brooks - Pallinger

1. Adopt the Mitigated Negative Declaration dated October 30, 2008 and on file with the Department of Planning and Land Use as Environmental Review Number 06-09-019;
2. Adopt the Resolution approving TM 5509RPL3 to create a 31-unit residential condominium development on a 2.28-acre one-lot property. This Resolution makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law, and the approval of this Tentative Map shall become effective 30 days after the adoption of this Resolution; and
3. Approve Site Plan So6-030, which makes the appropriate Findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Zoning Ordinance and State law.

TM 5509RPL<sup>3</sup>, S06-030

Agenda Item 2:

Ayes:	6 -	Beck, Brooks, Day, Norby, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Woods

**P06-074, Agenda Item 3:****3. East Otay Mesa Correction Facility, Major Use Permit P06-074, Otay Subregional Plan Area**

Requested Major Use Permit for ultimate build-out of a 346,785 square-foot secure detention facility on a 40-acre parcel in the East Otay Mesa Business Park Specific Plan Area (Subarea 1). The applicant proposes construction of the facility in two phases: Phase I is proposed at 242,790 square feet and includes a 1,428-bed detention facility, plus a 60-bed segregation area with associated administrative buildings and 456 parking spaces. Ancillary support services such as food service, medical, maintenance, laundry and chaplaincy are also to be completed in Phase I. Phase II is proposed at 103,995 square-feet and would increase capacity by 684 beds plus a 60-bed segregation area, as well as add a 14,000 square-foot administration building and 70 additional parking spaces. The facility will operate 24 hours a day with three staffing shifts per day, seven days a week with a total of 321 staff persons at build-out. The project proposes a balanced grade cut and fill of 450,000 cubic yards. Water and sewer services will be provided by Otay Water District and the Otay Sanitation District. Access to the project site will be provided via Alta Road and Lone Star Road. The project site is located at the northwestern corner of Alta Road and (future) Lonestar Road in the Otay Subregional Plan Area.

**Staff Presentation:** Rosenberg

**Proponents:** 14; **Opponents:** 3

**Discussion:**

The applicant's representative explains that Corrections Corporation of America currently operates 1,200 beds at the George F. Bailey facility for immigration and customs detainees, and has operated that facility safely since 1989. Possible visual impacts resulting from the proposed project will be minimal, and landscaping and other features will be provided, as will road improvements though this project will generate less traffic than the General Plan allows for an industrial facility in this area. The proposal will stimulate the local economy by generating more than 200 jobs during construction, require a staff of approximately 2,100 upon completion of construction, and will generate more than \$1 million in property taxes.

**P06-074, Agenda Item 3:**

The applicant's representative informs the Planning Commission that mitigation will be provided at a 1:1 ratio for biological impacts, and the proposed mitigation will complement existing open space in the area. In addition, equipment will be operated utilizing a 20% bio-diesel fuel, and solar and energy-efficient measures such as low-water usage features will be incorporated. The applicant's representatives also inform the Commission that the applicant organization has been recognized as being one of the best-managed corporate stewards, and recognized by many, many agencies and organizations.

Project opponents question the applicant's reliance on a 1994 EIR, pointing out that 16 other projects have provided addendums to the EIR for projects in the area. They note that the proposed project is not remotely similar to the 1998 project proposed on the site. Project opponents believe public review is being bypassed by allowing this addendum, and insist that the applicant should be required to provide a new SEIR.

Project opponents also allege that the applicant has a record of abuse. They maintain that several lawsuits have been filed by immigrants held at the various facilities, the ACLU and Amnesty International, but have not supplied documentation to support these allegations. The applicant's representative clarifies that two lawsuits were filed by the ACLU. A decision on one complaint is pending and deals with allegations of substandard medical care, however, the applicant is not responsible for providing medical care; another entity is. The second court case had to do with triple-bunking, but that practice no longer occurs.

With respect to environmental review, Staff has determined that an addendum is acceptable and consistent with CEQA. Staff explains that it is not at all unusual for an addendum to be allowed for a 15-year-old EIR. In this instance, there are no new significant environmental impacts.

**Action:** Riess - Day

Grant Major Use Permit P06-074, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance and State Law.

**P06-074, Agenda Item 3:**

**Discussion of the Action:**

Commissioner Beck believes the applicant's proposed biological mitigation sets very high standards, and Commissioner Brooks notes that aesthetics were extremely well addressed. Project opponents clarify that they are not concerned about the mitigation ratio; they are concerned that public review could be bypassed.

Ayes:	6 -	Beck, Brooks, Day, Norby, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Woods

P06-074, Agenda Item 3:

4. Julian Avenue; Tentative Map; TM 5539; Lakeside Community Plan Area

Request for a Tentative Map to subdivide a 3.15-acre parcel into 8 residential lots. Each lot would be a minimum of 10,000 square feet in area. Access to the project site would be via a public road from Julian Avenue. All existing structures on the project site would be removed except for a single-family residence that will remain on proposed Lot 7. The project site is located at 9626 Christmas Tree Lane, south of Julian Avenue, directly west of Christmas Tree Lane.

Staff Presentation: Slovick

Proponents: 0; Opponents: 0

This Item is approved on consent.

Action: Brooks - Pallinger

1. Adopt the Resolution approving TM 5539 to subdivide 3.15 acres into eight residential lots. The Resolution includes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law; and
2. Adopt the Mitigated Declaration dated January 29, 2009 and on file with the Department of Planning and Land Use as Environmental Review Number 07-14-009.

Ayes:	6 -	Beck, Brooks, Day, Norby, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Woods



**Administrative:**

**H. Report on actions of Planning Commission's Subcommittees:**

There was none.

**I. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):**

Commissioners Brooks and Pallinger will represent the Planning Commission at the April 22, 2009 Board of Supervisors hearing on POD 08-005 (Second Dwelling/Accessory Units)

**J. Discussion of correspondence received by the Planning Commission:**

There was none.

**K. Scheduled Meetings:**

April 24, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 8, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 22, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 5, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 19, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 10, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 24, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 7, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 21, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 4, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 19, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 2, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room

**Administrative:**

October 16, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 30, 2009	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room
November 13, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 4, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 18, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 9:45 a.m. to 9:00 a.m. on April 24, 2009 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.